

Application No.: 09/542,884

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Docket No.: 325772016900

REMARKS

Claims 1-13 are pending. Claims 1, 2, 3, 4 and 8 have been amended. No new matter has been added.

Claims 1-13 were rejected under 35 USC 102(e) as being anticipated by Fujiwara (U.S. Patent No. 6,346,949). This rejection is respectfully traversed.

In the Action, the Examiner states that Fujiwara teaches a projector "for projecting a pattern light, slit light, on the region." The Examiner has essentially asserted that the "slit light" disclosed in Fujiwara corresponds to the claimed pattern light. However, this is not actually correct. Claims 1, 4 and 8 have been amended to clarify that the pattern light is a light which spreads on a region (i.e., on an object) to be photographed. This light also has a predetermined pattern within the spreading area. In contrast, Fujiwara employs a light-section method in which the three-dimensional data is obtained, and only discloses a scanning projection of the slit light. A slit light does not spread on a region to be photographed and thus will not form a predetermined pattern within a spreading area. Therefore, Fujiwara fails to disclose or suggest a light which spreads on the region to be photographed and has a predetermined pattern within the spreading area.

At page 4 of the Action, the Examiner states that "[I]t is clear that one skilled in the art capably operates the camera (5 of fig. 1) by inputting a command to capture or take the image of the object with the projected light and also controls the monitor (20) for displaying the stored image of the object at the same time, so this strongly suggests that Fujiwara does disclose (1) the memory (30 of fig. 1) for storing an image of the object captured or taken when the projector does not project light on the object; and the monitor or display part (20 of fig. 1) for displaying an image of the object without the projected light, or (3) a monitor or display part (20 of fig. 1) for displaying an image of the object without the projected light while projecting the light on the object; therefore Fujiwara anticipates the claimed features." Applicant respectfully disagrees with the Examiner's assertions.

The main focus of Fujiwara is a data reduction process which is performed after obtaining data of an object of measurement. Image capturing is not discussed in detail in Fujiwara.

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Furthermore, Fujiwara does not disclose or suggest that the stored image is simultaneously displayed by controlling the monitor while the photographing is taking place.

Likewise, since Fujiwara does not disclose displaying anything while the photograph is being taken, it is impossible for the device of Fujiwara to display the image of the object without the projected light while the light is projected on the object.

Therefore, the features of claims 1, 4 and 8 are not disclosed or suggested by Fujiwara. The remaining claims are allowable at least due to their respective dependencies. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772016900.

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Respectfully submitted,

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